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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,830	04/10/2001	Javier Guzman	05793.3058	7536
22852	7590	08/19/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/828,830	GUZMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Harish T. Dass	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/16/03 &amp; 5/20/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11-14, 16-17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings et al (hereinafter Jennings – US 5,59,165).

Re. Claim 1, Jennings discloses receiving, at the point-of-sale location, funds from a holder of the financial account as a payment amount to the account [Jennings – read entire document particularly - Abstract; Figures 1-2, 5-8; C1 L30 to C2 L56; C4 L42-L57 – see 19 steps of Figure 2],

forwarding to an issuer of the financial account a transaction message indicating a payment transaction and the received payment amount [C5 L25-L31],

receiving an indication from the account issuer that the payment amount was applied to the financial account [C5 L32-37 – see receipt of a successful completion code],

and forwarding the received funds to the account issuer upon receiving the indication that the payment was applied to the financial account [C5 L18-L43].

Re. Claim 2, Jennings discloses wherein the funds received include at least one of cash, check, credit card, money order, or cashier's check [C6 L32-L48].

Re. Claim 3, Jennings discloses receiving a credit card to identify the financial account [C6 L32-L48; C7 L64 to C8 L5].

Re. Claim 4, Jennings discloses forwarding the received funds to a financial institution, wherein the financial institution manages transactions of the point-of-sale location [C5 L18-L43]; C25 L7 to C26 L52];

and forwarding the received funds, from the financial institution to the account issuer [C5 L18-L43]; C25 L7 to C26 L52].

Re. Claim 5, Jennings discloses receiving, from the point-of-sale location, a transaction message indicating a payment transaction and an amount of the payment to the financial account [C4 L26-L41; C5 L18-L42],

verifying account information associated with the transaction indicated in the received transaction message [C4 L26-L41; C5 L18-L42],

sending to the point-of-sale location an indication that the transaction was approved and the payment amount was applied to the account [C4 L26-L41; C5 L18-L42],

and applying the payment amount to the account [C5 L18-L42 -- see posts a credit to destination account].

Re. Claim 6, Jennings discloses crediting a credit card account associated with the customer [C5 L18-L42; C6 L32-L47 -- see post a debit to the source account].

Re. Claims 11-12, Jennings discloses receiving funds from the point-of-sale location [C5 L18-L42], and

wherein the step of receiving funds from the point-of-sale location includes receiving funds from a financial institution, wherein the financial institution manages the transactions of the point-of-sale location [C5 L18-L42].

Re. Claim 13, claim 13 is similar to claim 1, therefore claim 13 is rejected with same rational as claim 1.

Re. Claims 14 and 17, Jennings discloses for forwarding a transaction message comprises a credit card network, and wherein the means for receiving a transaction message comprises a credit card network [C2 L10-21 -- ATM network communication].

Re. Claim 16, claim 16 is similar to claim 5, therefore claim 16 is rejected with same rational as claim 5.

Re. Claim 19, Jennings discloses receiving, at the point-of-sale location, funds from a holder of the financial account as a payment amount to the account [C1 L30 to C2 L56; C4 L42-L57],

storing data about a funds transfer transaction, including information about the financial account and the received payment amount [C26 L24-L26; C5 L48-L53 – record and transaction history],

forwarding, at a predetermined time, the stored transaction data [C25 L57-L67]; and forwarding the received funds to the account issuer based on the forwarded transaction data [C5 L25-L31].

Re. Claim 20, claim 20 is rejected with same rational as claim 2.

Re. Claim21, Jennings discloses forwarding the stored transaction data to a processor, determining, by the processor, the card issuer associated with the transaction data, and forwarding, by the processor, the transaction data to the determined card issuer [C1 L30 to C2 L56; C8 L52 to C9 L50].

Re. Claim22, Jennings discloses receiving a credit card to identify the financial account [C6 L35-L39].

Re. Claim 23, claim 23 is rejected with same rational as claim 19.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings.

Re. Claims 7-10, Jennings discloses credit and debiting accounts and withdrawal from and transfers between "associated" accounts (between a checking account and a savings or money market account) [C7 L37 to C8 L8; C5 L18-L42; C6 L32-L47].

Jennings does not explicitly disclose crediting a debit account associated with the customer,

crediting a stored-value account associated with the customer (smart card),

crediting a money market account associated with the customer,

crediting a certificate of deposit (CD) account associated with the customer.

However these are well known financial instruments available to bank customers such as Citibank (assignee of US 5,659,165) to make possible for customers remote and 7/24 banking using POS/ATM for purchasing and other banking activities. It would have

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been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and add the above function in order to provide electronic fund transfer more economically, fast and convenient to customer.

Re. Claims 15 and 18, Jennings does not explicitly disclose wherein the means for forwarding a transaction message comprises the Internet and wherein the means for receiving a transaction message comprises the Internet. However Internet communication fro receiving and sending data is will-known communication tool and use worldwide by financial institutions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Jennings and include Internet communication to facilitate global transaction at cheep price and in real time.

Re. Claim 24, Jennings does not explicitly disclose wherein the means for forwarding the stored data include an automated clearing house (ACH) network. However, this is will-known settlement process between different financial institutions, which are member of ACH and do not have direct settlement process to credit and debit each other's accounts.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

*US 5,650,604 to Marcus et al, July 22, 1997 "System and method for electronic transfer of funds using an automated teller machine to dispense the transferred funds" discloses electronic transfer of funds, and more particularly to a system and method for electronic transfer of funds between a sender and a recipient using an automated teller machine to dispense the funds transferred to the recipient.*

*US 6,098,053 to Slater, Aug. 1, 2000 "System and method for performing an electronic financial transaction" discloses electronic funds transfer instruments, and more particularly, to performing secure financial transactions over a public access network using checking and savings account funds.*

*US 6,721,716 to Gross, April 13, 2004 "Payment certification string and related electronic payment system and method" discloses a client/server software solution for collecting, summarizing and storing individualized content information and allowing a user of the software to provide a directed response thereto, and, more particularly, for example, to a computerized electronic statement, bill presentment and payment system and a method of presenting bills electronically to a customer and initiating payments and other instructions by computer.*

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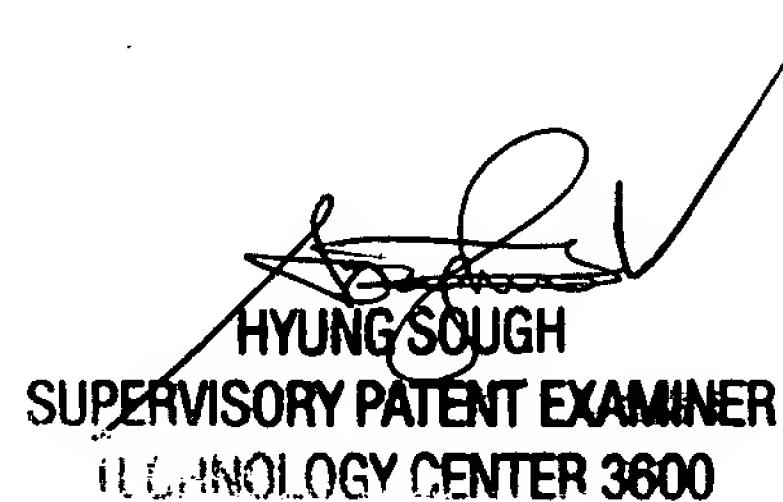
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

8/12/05



HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600